



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California Suite 620

SUMMARY MINUTES – FEBRUARY 20, 2007

MID MONTH BOARD MEETING MINUTES¹

FEBRUARY 20, 2007

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Sean Harrigan, President
Anne Sheehan, Vice President
Patricia Clarey, Member
Richard Costigan, Member

2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura

- A.** On behalf of the staff, the Executive Officer welcomed Mr. Richard Costigan to his first board meeting. Mr. Costigan stated his pleasure of serving on the Board.
- B.** The joint SPB/DPA workgroup on HR reform is completing the planning stage and is on schedule to complete its work by March. At the next Board Meeting, the Board will be briefed on the basic concepts for plan.
- C.** The SPB staff has been working on the SPB's Strategic Plan for the past 8-9 months. Workshops were held in November in San Diego, and December in San Francisco. The document is based on looking ahead and what we can do with the resources we have. Credit was given to the executive staff who participated in creating the Strategic Plan. After the SPB/DPA HR reform project is completed and funding is allocated, SPB will update its Strategic Plan to incorporate the new initiatives.
- D.** The SPB staff has continued discussions with the CDCR's Receiver's office. Late last week, a letter was sent to the Receiver's Office. Mr. Hagar wants to meet Thursday, March 1, 2007, at 3 p.m. to discuss our letter.

3. REPORT OF THE CHIEF COUNSEL – Elise Rose

SPB's Chief Counsel was invited to speak at DPA's Respondents' Counsel Roundtable meeting. The group had questions about SPB's implementation of the Copley case, which dealt with the confidentiality of peace officer personnel records when they are introduced at a hearing or when they are requested pursuant to the Public Record's Act Request. SPB is in line with most counties as to how we are dealing with the issue. Scheduling issues and other issues were also discussed.

¹ The Minutes for the Board Meetings can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

4. NEW BUSINESS

- Board Member Sheehan requested that staff provide an update every full board meeting on the Strategic Plan and HR Modernization Plan.
- A new classification for the License Vocational Nurse for the Department of Corrections and Rehabilitation has been prepared. Currently waiting for a class code from DPA and other minor additions in order to formally adopt the class. The item will be listed in the next Agenda (March 2, 2007).

5. REPORT ON LEGISLATION – Sherry Evans

- The Legislative Director and Assistant Executive Officer attended a joint orientation meeting of the Assembly Public Employees', Retirement and Social Security and the Senate Public Employment and Retirement Committees. The SPB staff presented a brief overview at that meeting. The Director of Legislation and new Executive Officer will be meeting with individual members to provide them with additional information on the Board's priorities and programs.
- AB 67 (SPB sponsored legislation) has been referred to the Assembly PERS Committee.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
(See Action Taken on Pages 8–11)

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

NO ACTION

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

NO ACTION

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF
MARCH 2, 2007, IN SACRAMENTO, CALIFORNIA**

NONE

BOARD ACTIONS:

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF
JANUARY 23, 2007**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

13. EVIDENTIARY CASES

ACTION: See Case Listings on Pages 8–14

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Minutes on Pages 22–23)**

ACTION: ADOPTED

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

15. NON-EVIDENTIARY CASES

ACTION: See Case Listings on Pages 14–18

16. NON-HEARING CALENDAR

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

**A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR
DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH,
REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE
CRITERIA, ETC.**

NONE

**B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS
FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE
CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO
OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE
PERSONNEL BOARD** propose to abolish the following unused
classifications, which have been vacant for more than twenty-four months.
Departments that utilize the class as well as the appropriate union have no
objection to the abolishment of these classes. When classes are
proposed to be abolished which are part of a class series, and other
classes within the series will continue to be used, the class specification is
included in the board item.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

DEPUTY DIRECTOR, PLATA PERSONNEL AND STAFF DEVELOPMENT

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director, *Plata* Personnel and Staff Development has statewide leadership responsibility for the development, review, modification, monitoring and implementation of policies, standards, and practices for the *Plata*-related human resources function in relation to the adequate delivery of medical care under the auspices of the *Plata* Receivership.

ASSOCIATE DIRECTOR, ACCOUNTING SERVICES

The California Department of Corrections and Rehabilitation (CDCR) proposes to allocate the above position to the CEA category. The Associate Director, Accounting Services is responsible for planning, developing, implementing and setting policy for the CDCR's accounting functions.

CHIEF DEPUTY DIRECTOR/CHIEF OF ADMINISTRATION

The California Health and Human Services Agency, Office of Systems Integration (OSI) proposes the above position to the CEA category. The Chief Deputy Director/Chief of Administration serves as OSI's representative for the implementation of fiscal policy with governmental entities, including federal and local governments.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

ASSISTANT SECRETARY, OFFICE OF PROGRAM AND FISCAL AFFAIRS, CALIFORNIA CHILD WELFARE COUNCIL

The California Health and Human Services Agency's request to allocate the above position to the CEA category has been approved effective January 22, 2007.

DEPUTY DIRECTOR, STATEWIDE MENTAL HEALTH PROGRAM

The California Department of Corrections and Rehabilitation's request to allocate the above position to the CEA category has been approved effective January 22, 2007.

CHIEF, PHARMACY DIVISION

The California Department of Health Services' request to allocate the above position to the CEA category has been approved effective January 25, 2007.

**DEPUTY DIRECTOR OF THE UNEMPLOYMENT INSURANCE
MODERNIZATION (UIMOD) PROJECT**

The California Health and Human Services Agency, Office of Systems Integration, has withdrawn their proposal to allocate the above position to the CEA category effective January 29, 2007.

ACTION: NOTED

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE PRESENTED

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE PRESENTED

22. BOARD ACTIONS ON SUBMITTED ITEMS

ACTION: See Minutes on Pages 19–21

A D J O U R N M E N T

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 13 – 15
AS NOTED.**

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) CASE NO. 05-0053A

Appeal from dismissal

Classification: Park Maintenance Assistant

Department: Department of Parks and Recreation

Proposed decision rejected October 10, 2006.

Oral argument heard February 6, 2007.

Case ready for decision by FULL Board.

NO ACTION

(2) CASE NO. 06-1433

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

(3) CASE NO. 05-1567A

Appeal from dismissal

Classification: Housing Finance Specialist (General)

Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Oral argument heard December 5, 2006.

Case ready for decision by FULL Board.

NO ACTION

(4) CASE NO. 06-1310

Appeal from 14 working days suspension

Classification: Regional Administrator

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

NO ACTION

(5) PSC NO. 06-02

Appeal from Executive Officer's June 28, 2006 approval of the Department of Corrections and Rehabilitation Personal Services Contracts for Psychological Services.

Department: Department of Corrections and Rehabilitation

Employee Organization: AFSCME, Local 2620, AFL-CIO

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

NO ACTION

(6) PSC NO. 06-04

Appeal from Executive Officer's August 15, 2006 disapproval of a Personal Services Contract for Hearing Reporter Transcription Services.

Department: California Air Resources Board

Oral argument heard January 9, 2007.

Case ready for decision by FULL Board.

NO ACTION

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

NONE

STIPULATIONS

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These were ALJ proposed decisions submitted to the Board for the first time.

On February 20, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 04-1746E

Appeal from whistleblower/retaliation complaint

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

ACTION: The board adopted the ALJ's Proposed Decision denying the appeal.

(2) CASE NO. 06-1912

Appeal from dismissal

Classification: Senior Correctional Counselor

Department: Department of Corrections and Rehabilitation

ACTION: SUBMITTED

(3) CASE NO. 06-0188

Appeal from dismissal

Classification: Physician and Surgeon, CF

Department: Department of Corrections and Rehabilitation

ACTION: The board rejected the ALJ's Proposed Decision revoking the dismissal.

(4) CASE NO. 05-4449

Appeal from 44 hour suspension

Classification: Police Officer

Department: California State University, Humboldt

ACTION: The board adopted the ALJ's Proposed Decision sustaining the suspension.

(5) CASE NO. 05-1043

Appeal from dismissal

Classification: Tax Counsel, Range D

Department: Board of Equalization

ACTION: The board adopted the ALJ's Proposed Decision sustaining the dismissal.

(6) CASE NO. 05-1887

Appeal from 20 work days suspension

Classification: Tax Auditor III

Department: Employment Development Department

ACTION: The board adopted the ALJ's Proposed Decision sustaining the suspension.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On February 20, 2007, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 05-0929P

Appeal from rejection during probation

Classification: Health Program Manager I

Department: Department of Health Services

ACTION: Petition for rehearing granted.

(2) CASE NO. 06-1568P

Appeal from demotion

Classification: Correctional Captain

Department: Department of Corrections and Rehabilitation

ACTION: WITHDRAWN

WHISTLEBLOWER NOTICE OF FINDINGS

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) CASE NO. 05-1007EA

Appeal from denial of discrimination complaint

Classification: Outside contractor

Department: Department of Transportation

Proposed decision rejected December 19, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

NO ACTION

(2) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006.

Oral argument originally set February 6-7, 2007, Los Angeles.

Continued to May 1-2, 2007, Los Angeles.

NO ACTION

(3) CASE NO. 06-0235A

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected January 9, 2007.

Pending transcript.

NO ACTION

(4) CASE NO. 05-2211A

Appeal from dismissal

Classification: Senior Tax Compliance Representative

Department: Employment Development Department

Proposed decision rejected September 20, 2006.

Oral argument originally set February 6-7, 2007, Los Angeles.

Continued to March 6-7, 2007, Sacramento.

NO ACTION

- (5) **CASE NO. 05-2888PA**
Appeal from dismissal
Classification: Staff Services Analyst (General)
Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006.
Pending oral argument March 6-7, 2007, Sacramento.

NO ACTION
- (6) **CASE NO. 05-1285A**
Appeal from dismissal
Classification: Public Safety Dispatcher II
Department: Department of California Highway Patrol

Proposed decision rejected January 9, 2007.
Pending transcript.

NO ACTION
- (7) **CASE NO. 05-1067A**
Appeal from dismissal
Classification: Investigator
Department: Department of Motor Vehicles

Proposed decision rejected January 9, 2007.
Pending transcript.

NO ACTION
- (8) **CASE NO. 04-2919ERPA**
Appeal of discrimination and retaliation
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation

Petition for rehearing granted September 20, 2006.
Oral argument originally set February 6-7, 2007, Los Angeles.
Continued to May 1-2, 2007, Los Angeles.

NO ACTION
- (9) **CASE NO. 05-0927BA**
Appeal for back salary determination
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.
Pending oral argument April 3-4, 2007, Sacramento.

NO ACTION

(10) CASE NO. 05-4416PA

Appeal from 10 percent reduction in salary for 13 pay periods

Classification: Medical Technical Assistant (Correctional Facility)

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted November 14, 2006.

Pending oral argument April 3-4, 2007, Sacramento.

NO ACTION

(11) CASE NO. 06-0392A

Appeal of five percent reduction in salary for 24 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected October 31, 2006.

Pending oral argument March 6-7, 2007, Sacramento.

NO ACTION

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On February 20, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 05-4153

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; omitted pertinent information.

ACTION: DENIED

- (2) **CASE NO. 05-3673**
Classification: Hospital Police Officer
Department: California Department of Mental Health
Issue: Suitability; negative driving record and negative law enforcement contacts.
ACTION: DENIED
- (3) **CASE NO. 05-1466**
Classification: Correctional Officer
Department: Department of Corrections & Rehabilitation
Issue: Suitability; misdemeanor conviction.
ACTION: DENIED
- (4) **CASE NO. 05-4098**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; failed to provide missing information.
ACTION: DENIED
- (5) **CASE NO. 05-1813**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug activity.
ACTION: DENIED
- (6) **CASE NO. 05-2811**
Classification: Motor Vehicles Field Representative
Department: California Department of Motor Vehicles
Issue: Suitability; arrest/conviction record.
ACTION: DENIED
- (7) **CASE NO. 06-0250**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information and furnished inaccurate information.
ACTION: DENIED
- (8) **CASE NO. 05-3244**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; firearms prohibition.
ACTION: DENIED

- (9) **CASE NO. 05-2805**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted information and furnished inaccurate information.
ACTION: DENIED
- (10) **CASE NO. 05-2298**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts.
ACTION: DENIED
- (11) **CASE NO. 05-1689**
Classification: Medical Technical Assistant
Department: Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information, furnished inaccurate information.
ACTION: DENIED
- (12) **CASE NO. 05-3665**
Classification: Investigator, DMV
Department: California Department of Motor Vehicles
Issue: Suitability; negative employment record and failure to comply with financial obligations.
ACTION: DENIED
- (13) **CASE NO. 05-1123**
Classification: Motor Vehicles Field Representative
Department: California Department of Motor Vehicles
Issue: Suitability; arrest/conviction record.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE

C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

On February 20, 2007, the Board adopted, as indicated below, the following item as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 05-0573**
CASE NO. 05-1755
CASE NO. 05-1817
CASE NO. 05-2541
CASE NO. 05-4351
CASE NO. 05-4397
CASE NO. 05-4508
CASE NO. 06-1550N
CASE NO. 06-1669N
Classification: Environmental Scientist
Department: State Water Resource Control Board
Issue: Whether appellant meets the minimum qualifications.
ACTION: GRANTED

D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS

Cases were heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board was presented recommendations by a Staff Hearing Officer for final decision on each appeal.

On February 20, 2007, the Board adopted, as indicated below, the following item as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

- (1) **CASE NO. 05-4173**
Classification: Correctional Counselor III
Department: Department of Corrections and Rehabilitation
Issue: Was appointment of the appellant properly voided based on the fact that the appellant did not have eligibility to transfer to CC III at the CDCR?
ACTION: DENIED

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On February 20, 2007, the Board adopted, as indicated below, the following items as presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

(1) CASE NO. 05-3890

Classification: Associate Civil Engineer

Department: Department of Parks and Recreation

Issue: The charging party requests to file charges against employees of the Department of Parks and Recreation.

ACTION: DENIED

(2) CASE NO. 05-1293

Classification: Member of the public.

Department: Department of Corrections and Rehabilitation

Issue: The charging party requests that charges be filed against the charged party for violations of various subsections of Government Code, §19572.

ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

NO ACTION

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

NO ACTION

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

NO ACTION

6. PSC NO. 06-03

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services. Department of the California Highway Patrol. Service Employees International Union, Local 1000 (CSEA). (Oral argument held October 10, 2006.)

NO ACTION

7. CASE NO. 05-0947A

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006.)

NO ACTION

8. CASE NO. 06-1814

Appeal from official letter of reprimand. Correctional Officer. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

9. CASE NO. 06-1310

Appeal from 14 working days' suspension. Regional Administrator. Department of Corrections and Rehabilitation. (Presented to Board December 5, 2006.)

NO ACTION

10. CASE NO. 05-1975

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

11. CASE NO. 05-1466

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

ACTION: DENIED

12. CASE NO. 05-1977

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

13. CASE NO. 05-1029

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

14. CASE NO. 05-2290

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

15. CASE NO. 05-1169

Correctional Officer. Department of Corrections and Rehabilitation. Suitability; whether appellant's name was properly withheld for one DUI conviction. (Presented to Board December 5, 2006.)

NO ACTION

16. CASE NO. 05-1681

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

17. CASE NO. 05-1170

Correctional Officer. Department of Corrections & Rehabilitation. Suitability; whether appellant's name was properly withheld for DUI convictions. (Presented to Board December 5, 2006.)

NO ACTION

**18. HEARING – PUBLIC HEARING ON PROPOSED COST SAVINGS
REGULATIONS UNDER GOVERNMENT CODE SECTION 19130, SUBDIVISION (A)**

(Hearing held January 9, 2007.)

NO ACTION

19. PSC #06-02

Appeal of AFSCME from Executive Officer Decision Approving Department of Corrections and Rehabilitation. Personal Services Contracts for Psychological Services. (Oral argument held January 9, 2007.)

NO ACTION

20. PSC #06-04

Appeal of California Air Resources Board from Executive Officer Decision Disapproving Personal Services Contract for Hearing. Reporter Transcription Services. SEIU Local 1000. (Oral argument held January 9, 2007.)

NO ACTION

21. CASE NO. 05-0053A

Appeal from dismissal. Park Maintenance Assistant. Department of Parks and Recreation. (Oral argument held February 5-6, 2007.)

NO ACTION

22. CASE NO. 06-1912

Appeal from dismissal. Senior Correctional Counselor. Department of Corrections and Rehabilitation. (Presented to the Board February 20, 2007.)

NO ACTION

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

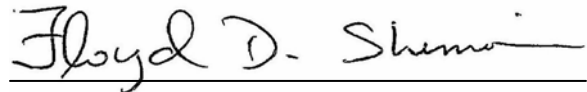
WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on February 20, 2007.

VOTE: Harrigan, Sheehan, Clarey, Costigan – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura
Executive Officer
California State Personnel Board